IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3100 OF 2005

Mr. Kedarnath H. Patil ..Petitioner.

Versus

Mr. Gopikishan G. Patil & Ors. ..Respondents.

Ms.Gauri K. Jadhav for the petitioner.

CORAM : S. A. BOBDE, J.

DATED : 18TH AUGUST, 2005.

P.C.:

1. The petitioner has challenged the order dated 23.03.2005 passed by the Joint Charity Commissioner, Maharashtra State, Mumbai, rejecting the petitioner's prayer for calling certain documents and record and proceedings. The matter arises out of a change report applied for by the petitioner which has been rejected by the Asstt. Charity Commissioner, Thane. Against that, the petitioner has filed the Appeals Nos. 50, 51, and 52 of 2003. In these Appeals they applied for production of a report submitted by the Inspector and

Accountant in application Nos. 23/2004 and 11/2004, which are admittedly the proceedings under section 41A of the Bombay Public Trusts Act, pertaining to the present trust. The petitioner also applied for entire record and proceedings of the Trust right from the date of registration till today alongwith the aforesaid proceedings under section 41A of the Bombay Public Trust Act and audited statements of account filed from 1994 till 2004.

2. The learned Joint Charity Commissioner considered the petitioner's contention and has observed that the record and proceedings of the relevant change report have already been received by the office and are before him. The learned Joint Charity Commissioner rejected the relevance of the document merely because the lower appellate authority has referred them in the impugned judgment. Since, according to the Joint Charity Commissioner, the legality and validity of the change report is required to be considered in accordance with law and, therefore, the production of the document sought for by the petitioner has no bearing on the matter.

3. In these circumstances, I see no error of law

apparent on the face of the impugned order. There is no merit in this petition, which is hereby dismissed.

4. Dismissal of the petition shall not preclude the petitioner from applying for production of such relevant documents, as the petitioner may consider relevant, before the appellate authority in accordance with law.

DT.18.08.05 (S.A.BOBDE,J)

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